

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

CHUBB CUSTOM INSURANCE CO.,
ET AL

CIVIL ACTION NO. 09-cv-1844

VERSUS

JUDGE HICKS

FEATHERLITE, INC.

MAGISTRATE JUDGE HORNSBY

MEMORANDUM ORDER

Two plaintiffs filed this civil action based on an assertion of diversity jurisdiction. The court has an obligation to ensure that the requisite facts are set forth to support its exercise of jurisdiction.

Chubb Custom Insurance Company describes itself as “an insurance carrier” organized under Delaware law and with its principal place of business in New Jersey. That is a proper allegation of citizenship for a corporation, but it is not clear that Chubb is a corporation. Its description of itself as a “insurance carrier” and its name make it possible that it is a corporation, but it might also be another form of entity or organization. Chubb should allege with specificity that it is a corporation if that is the case. If it is not a corporation, it should identify its form of organization and plead its citizenship with specificity in accordance with applicable rules.

The second plaintiff is listed in the caption and opening paragraph of the complaint as Billy Ballew Motorsports, LLC, but it describes itself in paragraph two of the complaint as Billy Ballew Motorsports, Inc. It then goes on, however, to allege that it is a limited

liability company organized under Florida law with a principal place of business in Georgia. Ballew needs to clarify its name (Inc. or LLC) and allege its citizenship with specificity in accordance with the applicable rules. Its current allegations are sufficient if it is a corporation. If the entity is a limited liability company, the allegations are not adequate. The rules for alleging the citizenship of an limited liability company are set forth in cases such as Burford v. State Line Gathering System, LLC, 2009 WL 2487988 (W.D. La. 2009).

Plaintiffs will be permitted until **January 8, 2010** to file an Amended Complaint and allege their citizenship with specificity. The time for amending the complaint without leave will by then have expired in accordance with the provisions of Fed. R. Civ. Proc. 15, so Plaintiffs will need to file a Motion for Leave to File the Amended Complaint, accompanied by the proposed pleading, a proposed order, and a statement regarding whether Defendant opposes the filing of the amended pleading. See Local Rule 7.6W.

THUS DONE AND SIGNED in Shreveport, Louisiana, this 10th day of December, 2009.



MARK L. HORNSBY
UNITED STATES MAGISTRATE JUDGE